REMARKS

In the outstanding Official Action, the Examiner rejected all of claims 1 and 27-40 under 35 U.S.C. § 103(a) as being unpatentable over TOYODA et al. (U.S. Patent No. 5,812,278) in view of IDEHARA (U.S. Patent No. 6,438,605) and further in view of REED et al. (U.S. Patent No. 6,061,739). Applicant respectfully traverses the above rejection and submits that it is inappropriate with respect to the combination of features recited in Applicant's invention.

The features of Applicant's invention can be seen, for example, in Fig. 1. As shown therein, two flows of image data are shown. Flow B of image data progresses from the IFAX of the present invention to PC4 while the flow B of (indirect) image data progresses from the IFAX 1 to the mail server 3, over the Internet to the mail server 7 and finally to the IFAX 8. When, for example, flow A is utilized, the IP address is obtained from the DHCP server 10. It is respectfully submitted that the image transmitting apparatus, as recited in Applicant's claims is not taught, disclosed nor rendered obvious by the combination of references relied upon by the Examiner.

In the outstanding Official Action, the Examiner asserted that TOYODA et al. discloses a memory that stores a tables including an address of the image receiving apparatus (column 10, lines 64-65). The Examiner further asserted that the memory stores the address in association with a destination mail address (column 1, lines 45-46). Applicant respectfully traverses and submits that each of the Examiner's assertions regarding the disclosure of TOYODA et al. is incorrect. In this regard, column 1, lines 45-46 of TOYODA et al. that

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were cited by the Examiner merely indicate that TOYODA et al. includes a random access memory (RAM) for storing data used in the program. Similarly, column 10, lines 64-65 again merely disclose that the facsimile type electronic mail apparatus of TOYODA et al. includes a ROM 22 for storing a program, and a RAM 23 for storing the data used in the execution of the programs stored in ROM 22.

Thus, TOYODA et al. does not disclose "a memory that stores a table including a fixed address of the image receiving apparatus" and wherein "the memory stores the fixed address in association with a destination mail address", each of which are recited in claim 1. For this reason alone, it is respectfully submitted that TOYODA et al. does not disclose the features relied upon by the Examiner and is thus an inappropriate basis for the rejection of any of the claims herein.

In the outstanding Official Action, the Examiner admits that TOYODA et al. does not teach direct and indirect transmission of image data. However, the Examiner relied on IDEHARA for such a teaching. Applicant respectfully submits that the Examiner is also incorrect in this regard.

In particular, in the outstanding rejection, the Examiner has referred to Fig. 16 of IDEHARA. However, contrary to the Examiner's assertion, the disclosure of Fig. 16 of IDEHARA does not support his position that IDEHARA discloses transmission via two modes. In particular, as can be seen with respect to Fig. 16 at step P66, data is transmitted. Thus, there is only one transmission of data, rather then the two modes of transmission recited in Applicant's claim.

In setting forth the rejection, the Examiner takes the position that one of the modes of data transmission of IDEHARA is direct while the other is indirect. In this regard, Applicant notes that, for example, claim 1 recites the indirect transmission is via a mail server. It is respectfully submitted that both modes of IDEHARA are via a mail server. In the rejection, the Examiner notes that IDEHARA discloses in column 9, lines 46-48, that when an IP address is set, the document data is sent to the specified IP address based on "the file transfer protocol (FTP)". In the alternative, if an IP address is not set, an e-mail address is utilized and as set forth in column 9, lines 43-44, the e-mail is sent to the specified e-mail address. However, both of these data transmission mechanisms utilize a mail server. The file transfer protocol (FTP), contrary to the Examiner's assertion, uses a mail server just as ordinary e-mail does. To further clarify this point, Applicant is submitting a page from "Newton's Telecom Dictionary" in which a file transfer protocol is defined. Therein the Examiner will note that a file transfer protocol is a service that supports file transfer between local and remote computers "including the Internet". Thus, in a manner exactly similar to that described by IDEHARA with respect to the transmission of data where an IP address is not set, the transmission of data when an IP address is set, is also via the Internet. In other words, using an IP address is not in any way inconsistent with using a mail server. As noted above, the IP address is utilized for Internet transmission via the FTP. Accordingly, IDEHARA does not contain any disclosure regarding the feature for which the Examiner relies thereupon. For this additional reason, it is respectfully submitted that the Examiner's rejection is inappropriate.

Moreover, Applicant's claim 1 recites that the processor is configured "to obtain the current IP address of the image receiving apparatus by use of the fixed address stored in the memory". It is respectfully submitted that IDEHARA also does not disclose this feature. In particular, in IDEHARA the IP address is not obtained in the manner recited in Applicant's claim but is "set" as can clearly be seen in step P63. For this additional reason, it is respectfully submitted that IDEHARA is an inappropriate basis for the rejection of the claims in the present application, even when utilized to modify TOYODA et al. because numerous recited features, as noted above, are missing from the combined disclosures.

Finally, the Examiner relies upon REED et al. to teach a changeable IP address and that the fixed address comprises an MAC (Media Access Control) address. However, the Examiner has not set forth any basis for utilizing the teachings of REED et al. in the combination of TOYODA et al. and IDEHARA. In this regard, the Examiner has also set forth no basis whatsoever for IDEHARA relating to or requiring a changeable IP address.

Applicant does not claim to have invented a changeable IP address or that a fixed address can comprise an MAC address. These features are well known. However, the utilization of a changeable IP address and a fixed address that comprises an MAC as recited in the combination of, e.g., claim 1, is not taught by the references relied upon. In this regard, there is no indication whatsoever that IDEHARA has any need for a changeable IP address or a fixed address that comprises an MAC. Thus, there is no reason for combining the teachings of REED et al. with those of IDEHARA as proposed by the Examiner.

In setting forth the rejection, the Examiner asserts that REED et al. teaches an image receiving apparatus to which a changeable IP address is assigned being an external apparatus according to first and second modes. It is respectfully submitted that the Examiner is incorrect. Column 3, lines 33-38 of REED et al. to which the Examiner makes reference merely relates to the utilization of a dynamic host configuration protocol which allows a system to acquire all the configuration information it needs in a single message. Further, the dynamic host configuration protocol provides a dynamic address allocation mechanism. As noted previously, Applicant does not claim to have invented dynamic address allocation. Nor is Applicant in any way dealing with giving an address to a new device that connects to a network. Applicant is utilizing the claimed combination of claim 1, for example, to provide two different modes of data transmission depending upon whether an IP address is obtained (by use of the fixed address stored in the memory) or is not obtained. None of the references cited by the Examiner, in any proper combination, disclose these combinations of features recited in Applicant's claims. While Applicant has been discussing the features of the invention with respect to claim 1, similar comments are applicable to independent claims 27, 34, 36 and 39.

Moreover, the Examiner's proposed rationale for the combination, as set forth at the bottom of the full paragraph on page 5 is not the motivation necessary to support a rejection under 35 U.S.C. § 103. The Examiner has essentially made assertions that the combinations that he proposes would be obvious. The Examiner has not provided any reason or evidence why one would modify TOYODA et al. by having a changeable IP address or by the use of

a fixed address that comprises an MAC. Merely because changeable IP addresses are, as the Examiner states, "an automatic way of assigning an IP address" and merely because the MAC is "a type of fixed physical address" does not provide any motivation to one of ordinary skill in the art to modify the disclosures of TOYODA et al., IDEHARA and REED et al. in a manner proposed by the Examiner. For this yet additional reason, it is respectfully submitted that the claims in the present application are clearly patentable over the references relied upon by the Examiner.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection together with an indication of the allowability of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.
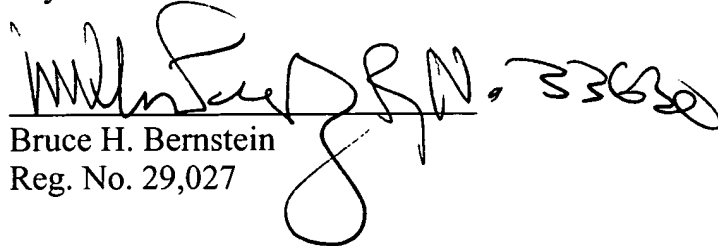
SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has not amended the claims but has reviewed the disclosures of each of the references and has compared the same with the features of Applicant's invention. Applicant has pointed out the significant and substantial shortcomings and deficiencies of the disclosures of each of the references as well as of the combination of references. Applicant has independently pointed out the lacked of proper motivation for the proposed combination.

Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully requests an indication to such effect in due course.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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